

HON. JAMAL N. WHITEHEAD

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF WASHINGTON

JOELLE NOLE,

Plaintiff,

vs.

USAA FEDERAL SAVINGS BANK,

Defendant.

Case No. 2:24-cv-01093-JNW

**STIPULATED MOTION TO DISMISS
PLAINTIFF'S FIRST CAUSE OF ACTION
FOR VIOLATION OF THE ELECTRONIC
FUNDS TRANSFER ACT**

**[PROPOSED] ORDER ON STIPULATED
MOTION TO DISMISS**

NOTE ON MOTION CALENDAR:
September 25, 2024

Plaintiff JOELLE NOLE ("Plaintiff") and Defendant USAA FEDERAL SAVINGS BANK ("USAA FSB"), by and through their respective counsel have conferred regarding Plaintiff's first cause of action for violation of the Electronic Funds Transfer Act ("EFTA"), 15 U.S.C. § 1693 *et seq.*

Plaintiff and USAA FSB jointly and respectfully move for a Court order as follows to avoid Rule 12(b)(6) Motion practice at this juncture:

- That Plaintiff's first cause of action for violation of the EFTA be dismissed with prejudice (*see* Dkt. 1, Complaint, Count One, at ¶¶ 66-80); and
- That the deadline for USAA FSB to file its response to Plaintiff's Complaint be set at 14 days from the date of the Court's order on this Stipulated Motion.

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Respectfully submitted,

Dated: September 25, 2024

KLEIN & SHERIDAN, LC

By: /s/ Benjamin M. Sheridan

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Dated: September 25, 2024

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Attorneys for Defendant,
USAA FEDERAL SAVINGS BANK

~~PROPOSED~~ ORDER ON PARTIES' STIPULATED MOTION TO DISMISS

The Court, having considered the parties' Stipulated Motion to Dismiss Plaintiff's first cause of action for violation of the Electronic Funds Transfer Act ("EFTA") and good cause appearing, ORDERS as follows:


- Plaintiff's first cause of action for violation of the EFTA shall be dismissed with prejudice (*see* Dkt. 1, Complaint, Count One, at ¶¶ 66-80); and
- USAA FSB shall file its response to Plaintiff's Complaint on or before 14 days from the date of this Order.

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1 IT IS SO ORDERED.

2 DATED this 29th day of October, 2024.

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5 Jamal N. Whitehead
6 United States District Judge
7
8

9 Presented by:


10 Respectfully submitted,

11 **KLEIN & SHERIDAN, LC**

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